



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

July 22, 1988

**URGENT**

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

Central Intelligence Agency	
National Security Council	
Department of State (Bachrach 647-4463)	25
Department of Justice (Perkins 633-2113)	17
Department of Defense (Brick 697-1305)	06
Department of the Treasury (Carro 566-8523)	28

SUBJECT: Draft Statement of Administration Policy on H.R. 3822, Intelligence Oversight Act of 1988.

NOTE: Your prompt response is urgent! We understand this could go to House Rules on Wednesday, July 27th.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than 2:00 P.M. MONDAY, JULY 25, 1988.

Questions should be referred to Sue Thau/Annette Rooney (395-7300), the legislative analyst in this office.

*Susan R Thau for*

RONALD K. PETERSON for  
Assistant Director for  
Legislative Reference

Enclosures

cc: D. Addington	A. Raul
D. McGrath	A. Donahue
K. Scheid	D. Gessaman

**URGENT**



# STATEMENT OF ADMINISTRATION POLICY

## DRAFT

July 22, 1988

(House Rules)

### H.R. 3822 - Intelligence Oversight Act of 1988

(Rep. Stokes (D) Ohio and two others)

If H.R. 3822 is presented to the President, his senior advisers would recommend that it be vetoed because the bill raises a number of serious constitutional issues.

Specifically H.R. 3822 would:

- unconstitutionally infringe<sup>on</sup> the President's ability to carry out Executive functions regarding the conduct of foreign policy by requiring him to report every "finding" approving a covert action to the intelligence committees of Congress prior to the initiation of the covert action or, where prior notice is not possible, within 48 hours of the signing of that finding;
- seriously impinge on the President's ability to fulfill his constitutional duties in the field of foreign affairs by eliminating flexibility to determine the substance of

congressional notification and the President's ability to defer such notification in the interests of the national security until he determines that the circumstances dictating delay no longer exist due to the disclosure requirements in section 503; and

-- constrain the President's ability to take actions in the field of foreign affairs without due regard to the need for expedition, flexibility and secrecy contravening the constitutional principle of separation of powers.